



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/520,973	06/09/2005	Klaus Ringger	10191/3714	6449

26646 7590 06/27/2006

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

EXAMINER

TO, TUAN C

ART UNIT	PAPER NUMBER
----------	--------------

3663

DATE MAILED: 06/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/520,973	Applicant(s) RINGGER ET AL.	
	Examiner Tuan C. To	Art Unit 3663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 11-13, and 17-20 are rejected under 35 U.S.C. 102 (b) as being anticipated by Ueda et al. (US 5513878A).

With respect to claim 11, the U.S. reference to Ueda et al. a protective device for a vehicle (Ueda et al., figure 2) comprising the following: a switch deactivated the protective device (Ueda et al., figure 2, switch 71), a processor (Ueda et al., figure 2, processor 2A), and a module having at least one logic module, wherein a switch position is verifiable by the processor and by the module independently from one another (Ueda et al., figure 2, OR gate 6; column 4, lines 47-50).

With regard to claim 12, Ueda et al. further disclose that the logic module is a logic OR gate (6) (see Ueda et al., figure 2, logic OR gate 6).

With regard to claim 13, Ueda et al. further disclose that the logic module (logic OR gate) is configured so that a time response of a logic state of the logic module (logic

Art Unit: 3663

OR gate) is modifiable (Ueda et al., figure 2, logic OR gate is arranged to receive input from processor 2).

With regard to claim 17, Ueda et al. further disclose a control unit to power the switch (Ueda et al., figure 2, processing unit 4)

With regard to claim 18, Ueda et al. further disclose that the switch is powered from an external supply (Ueda et al, figure 2, switch powered from power supply 11).

With regard to claim 19, Ueda et al. further disclose that the logic state (high or low level) is allowed to be retained (Ueda et al., column 4, lines 47-55).

With regard to claim 20, Ueda et al. further disclose a triggering circuit control (Ueda et al., figure 2, squid 8), and an AND gate (7) connectible to the triggering circuit control (squid 8), wherein the module (logic OR gate) and the processor (2A) are connected to the AND gate (7) (Ueda et al., figure 2, AND gate 7).

While patent drawings are not drawn to scale, relationships clearly shown in the drawings of a reference patent cannot be disregarded in determining the patentability of claims. See In re Mraz, 59 CCPA 866, 455 F.2d 1069, 173 USPQ 25 (1972).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

Art Unit: 3663

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Claims 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ueda et al. (US 5513878A) and in view of Baumgartner et al. (US 20040045760A1).

As set forth in this office action, Ueda et al. address the limitations as recited in claim 13, however, the processor disclosed in Ueda et al. does not modify the time response.

The reference to Baumgartner et al. has been provided to overcome the missing features from Ueda et al. (Baumgartner et al., page 1, paragraph 0016, lines 1-9).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Ueda et al. to include the teachings as taught by Baumgartner et al. in order to properly and effectively deploy a safety restraint while the vehicle is in a serious rollover or a positive impact.

Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueda et al. (US 5513878A) and in view of Meister et al. (US 5570903A).

With respect to claim 15, Ueda et al. discloses a switch, however, Ueda et al. do not disclose that the switch includes a resistor network and that the switch includes at least one Hall-effect sensor.

The reference to Meister et al. has been provided as teaching a safety device for a vehicle, wherein the switch includes a resistor network and that the switch includes at least one Hall-effect sensor (Meister et al., column 3, lines 61-67).

Hence, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Ueda et al. to include the teachings as taught by Meister et al. in order to gain advantage therefore (i.e., prevent the passenger airbag is deployed when the passenger seat is unoccupied, also the airbag is controlled to be deactivated when the occupant seat is a rear facing-infant seat).

Response to Arguments

Applicant's arguments filed 05/05/2006 have been fully considered but they are not persuasive. The applicant argued in his response that the reference to Ueda does not disclose or suggest a switch to deactivate a protective device, in which a switch position is verifiable by the processor and by the additional module, independently from one another, as recited in claim 1. According to the applicant, neither switch 10 nor transistor 71 is the switch as claimed. The examiner has realized the transistor 71 is the claimed switch since it is used to either activate or deactivate a protective device in

Art Unit: 3663

according to the binary signal output of the AND gate (a logic module). If the AND gate delivers a low-level trigger signal, the logic AND gate is cut-off, no current supplied to the squid 8 (see Ueda, column 5, lines 11-20). Therefore, the protection device is not activated (deactivated). The on/off position of the transistor is also verifiable by the processor 2 and the logic OR gate 6 which is the claimed additional module (Ueda, column 3, lines 56-60).

In addition, the references to Baumgartner and Meister are provided to overcome the deficiencies of Ueda since Baumgartner includes "processor modifies the time response", and Meister directs to a safety device for a vehicle, wherein the switch includes a resistor network and that the switch includes at least one Hall-effect sensor. They are properly to combine with the primary reference to Ueda, and thus address the limitations as claimed.

Conclusions

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 3663

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan C To whose telephone number is (571) 272-6985. The examiner can normally be reached on from 8:00AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/tc

June 20, 2006


JACK KEITH
SUPERVISORY PATENT EXAMINER